

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

|                                   |   |                       |
|-----------------------------------|---|-----------------------|
| In re                             | ) | Chapter 9             |
| City of Detroit,                  | ) | Case No. 13-53846     |
| Debtor - Appellee                 | ) | Hon. Steven W. Rhodes |
|                                   | ) |                       |
| William Ochadleus, <i>et. al.</i> | ) |                       |
| Creditors - Appellants            | ) |                       |

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**OCHADLEUS APPELLANTS DESIGNATION OF THE CONTENTS OF THE  
RECORD AND STATEMENT OF ISSUES ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, Appellants' submit this designation of the contents of the record and statement of issues on appeal regarding the Appellants' Notice of Appeal [Dkt. #8340] filed on November 19, 2014, pursuant to 28 U.S.C. § 158(a)(1) and Rules 8001(a) and 8002(b) of the Federal Rules of Bankruptcy Procedure from the Order Confirming Eighth Plan of Adjustment (Doc. 8045) of the Debts of the City of Detroit (Dkt. # 8272) entered on November 12, 2014.

Appellants designate items from the Bankruptcy Court docket to be included in the record on this appeal to the United States District Court for the Eastern District of Michigan, as follows:

**I. Designation of the contents of the record on appeal.**

| ITEM | DATE FILED | DOCKET NUMBER | DESCRIPTION  |
|------|------------|---------------|--|
| 1    | 07/18/2013 | 1             | Voluntary Petition for City of Detroit, Michigan   |
| 2    | 07/18/2013 | 10            | Declaration /Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code Filed by Debtor In Possession City of Detroit, Michigan   |
| 3    | 07/18/2013 | 11            | Declaration of Kevyn D. Orr in Support of City of Detroit, Michigan's Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code Filed by Debtor In Possession City of Detroit, Michigan. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H # 9 Exhibit I # 10 Exhibit J # 11 Exhibit K # 12 Exhibit L) |
| 4    | 07/18/2013 | 12            | Declaration of Gaurav Malhotra in Support of City of Detroit, Michigan's Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code Filed by Debtor In Possession City of Detroit, Michigan.  |
| 5    | 07/18/2013 | 13            | Declaration of Charles M. Moore in Support of City of Detroit, Michigan's Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code Filed by Debtor In Possession City of Detroit, Michigan.   |
| 6    | 07/19/2013 | 14            | Memorandum in Support of Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code   |

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|   |            |     | Filed by Debtor In Possession City of Detroit, Michigan   |
| 7 | 07/19/2013 | 20  | Motion of Debtor, Pursuant to Section 1102(a)(2) of the Bankruptcy Code, for Entry of an Order Directing the Appointment of a Committee of Retired Employees Filed by Debtor In Possession City of Detroit, Michigan  |
| 8 | 07/25/2013 | 141 | Objection to (related document(s): 53 Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code, 56 Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order, Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor) Objection of the Retirement Systems to Motions of Debtor for Entry of Orders (I) Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code, and (II) Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor Filed by Creditors General Retirement System of the City of Detroit, Police and Fire Retirement System of the City of Detroit. |
| 9 | 07/23/2013 | 56  | Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-   |

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|    |            |     | Officer Employees and (C) Agents and Representatives of the Debtor  |
| 10 | 08/19/2013 | 166 | Order Pursuant to Section 105(a) of the Bankruptcy Code Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non Officer Employees and (C) Agents and Representatives of the Debtor  |
| 11 | 08/19/2013 | 481 | <i>Brief Attorney General Bill Schuette's Statement Regarding the Michigan Constitution and the Bankruptcy of the City of Detroit Filed by Interested Party Bill Schuette (RE: related document(s)1 Voluntary Petition (Chapter 9).</i>   |
| 12 | 08/19/2013 | 502 | Objection to Eligibility to Chapter 9 Petition Filed by Interested Parties Detroit Retired City Employees Association, Shirley V Lightsey, Retired Detroit Police and Fire Fighters Association, Donald Taylor, Creditors Shirley V Lightsey, Donald Taylor (Attachments: #1 Index of Exhibits #2 Exhibit A-Declaration of Shirley V. Lightsey #3 Exhibit B - Declaration of Donald Taylor) |
| 13 | 08/19/2013 | 506 | Objection to Eligibility to Chapter 9 Petition Filed by Creditor International Union, United Automobile, Aerospace and Agricultural Implement Workers of America  |
| 14 | 08/19/2013 | 509 | Corrected Objection to Eligibility to Chapter 9 Petition <i>Kreisberg Declaration</i> Filed by Creditor Michigan Council 25 Of The American Federation of State,  |

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|    |            |     | County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees (Attachments: #1 Exhibit 1 #2 Exhibit 2 #3 Exhibit 3 #4 Exhibit 4 #5 Exhibit 5 #6 Exhibit 6 #7 Exhibit 7 #8 Exhibit 8 #9 Exhibit 9 #10 Exhibit 10 #11 Exhibit 11 #12 Exhibit 12 #13 Exhibit A #14 Exhibit B #15 Exhibit C) Related (Doc. 505)  |
| 15 | 08/19/2013 | 512 | Objection to Eligibility to Chapter 9 Petition , <i>Brief in Support, Certificate of Service</i> Filed by Creditors Detroit Fire Fighters Association, I.A.F.F. Local 344, Detroit Police Command Officers Association, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association (Attachments: #1 Exhibit A - Declaration of Mark Diaz #2 Exhibit A-1 (PART 1) Award #3 Exhibit A-1 (Part 2) #4 Exhibit A-1 (Part 3) #5 Exhibit A-2 Interim Award #6 Exhibit B McNamara Declaration and Ex 1 and 2 #7 Exhibit C - Young Declaration #8 Exhibit D |
| 16 | 08/26/2013 | 519 | Objection to Eligibility to Chapter 9 Petition <i>Objection of the Detroit Retirement Systems to the Eligibility of the City of Detroit, Michigan to Be a Debtor Under Chapter 9 of the Bankruptcy Code</i> Filed by Creditors General Retirement System of the City of Detroit, Police and Fire Retirement System of the City of Detroit (Attachments: #1 Exhibit  |

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|    |            |     | List #2 Exhibit 1 #3 Exhibit 2 #4 Exhibit 3 #5 Exhibit 4 #6 Exhibit 5 #7 Exhibit 6 #8 Exhibit 7-1 #9 Exhibit 7-2)   |
| 17 | 08/26/2013 | 520 | Objection to Eligibility to Chapter 9 Petition Filed by Creditor Retired Detroit Police Members Association   |
| 18 | 09/10/2013 | 642 | Order Regarding Eligibility Objections Notices of Hearings and Certifications Pursuant to 28 U.S.C. Section 2403(a) & (b) (RE: related document(s) <u>335</u> Objection to Eligibility to Chapter 9 Petition  |
| 19 | 09/11/2013 | 805 | Objection to Eligibility to Chapter 9 Petition <i>of The City of Detroit, Michigan to be a Debtor Under Chapter 9 of The Bankruptcy Code</i> Filed by Retiree Committee Official Committee of Retirees Related (Doc. <u>806</u> )   |
| 20 | 10/14/2013 | 954 | Motion <i>The Objectors' Motion to Admit Certain Deposition Testimony of Kevyn Orr and Kenneth Buckfire</i> Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc. (Attachments: # 1 Index - Summary of Exhibits # 2 Exhibit 1 - Proposed Order # 3 Exhibit 2 - Notice # 4 Exhibit 3 - Brief [Not Required] # 5 Exhibit 4 - Certificate of Service [To be Filed] # 6 Exhibit 5 - Affidavit [N/A] # 7 Exhibit 6-A - Objectors' Designations From August 30, 2013 Deposition of Kevyn Orr # 8 Exhibit 6-B - Objectors' Designations From August 29, 2013 Deposition of Kenneth Buckfire # 9 |

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|    |            |      | Exhibit 6-C - Excerpts From Deposition of Kevyn Orr # 10 Exhibit 6-D - Excerpts From Deposition of Kenneth Buckfire)   |
| 21 | 10/17/2013 | 1149 | Memorandum <i>in Support of Constitutionality of Chapter 9 of Title 11 of the United States Code</i> Filed by Interested Party United States of America (RE: related document(s) <u>821</u> Amended Order, Order To Set Hearing)   |
| 22 | 10/17/2013 | 1227 | Brief <i>The Michigan Council 25 of the American Federation of State, County &amp; Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees Pretrial Brief Regarding the City of Detroit's Eligibility to Obtain Relief Under Chapter 9 of the Bankruptcy Code</i> Filed by Creditor Michigan Council 25 Of The American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees. |
| 23 | 10/17/2013 | 1229 | Brief <i>(pretrial) in opposition to eligibility</i> Filed by Interested Parties Detroit Retired City Employees Association, Shirley V Lightsey, Retired Detroit Police and Fire Fighters Association, Donald Taylor.  |
| 24 | 10/17/2013 | 1230 | Brief <i>(Pre-Trial) Opposing Eligibility</i> Filed by Creditors Detroit Fire Fighters Association, I.A.F.F. Local 344, Detroit Police Command Officers Association, Detroit Police Lieutenants and Sergeants  |

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|    |            |      | Association, Detroit Police Officers Association  |
| 25 | 10/17/2013 | 1231 | Brief <i>Retired Detroit Police Members Association's Pretrial Brief, Proposed Findings of Fact and Proposed Conclusions of Law</i> Filed by Creditor Retired Detroit Police Members Association. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C)  |
| 26 | 10/17/2013 | 1235 | Brief ~ <i>Pre-Trial Brief of International Union, UAW and the Flowers Plaintiffs with Respect to the Eligibility of the City of Detroit, Michigan for an Order for Relief Under Chapter 9 of the Bankruptcy Code</i> Filed by Creditor International Union, United Automobile, Aerospace and Agricultural Implement Workers of America.  |
| 27 | 10/17/2013 | 1240 | Corrected Brief / <i>City of Detroit's Pre-Trial Brief in (i) Support of Entry of an Order for Relief and (ii) Opposition to Objections Requiring the Resolution of Issues of Material Fact</i> Filed by Debtor In Possession City of Detroit, Michigan. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H # 9 Exhibit I) |
| 28 | 10/17/2013 | 1241 | Brief ( <i>Pretrial</i> ) <i>in Opposition of Eligibility</i> Filed by Retiree Committee Official Committee of Retirees.  |
| 29 | 10/17/2013 | 1242 | Declaration <i>in Support of Pre-Trial Brief in Opposition to Eligibility</i> Filed   |

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|    |            |      | by Retiree Committee Official Committee of Retirees.<br>(Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C # 4 Exhibit D # 5 Exhibit E # 6 Exhibit F # 7 Exhibit G # 8 Exhibit H)  |
| 30 | 10/18/2013 | 1244 | Brief <i>Pre-Hearing Brief of the Detroit Retirement Systems in Support of Their Eligibility Objections Specifically Pursuant to Sections 109(c) (5) and 921(c) of the Bankruptcy Code</i> Filed by Creditors General Retirement System of the City of Detroit, Police and Fire Retirement System of the City of Detroit.   |
| 31 | 12/04/2013 | 1245 | Exhibit List of Exhibits to: <i>Pre-Hearing Brief of the Detroit Retirement Systems in Support of Their Eligibility Objections Specifically Pursuant to Sections 109(c)(5) and 921(c) of the Bankruptcy Code</i> [Dkt. No. 1244] Filed by Creditors General Retirement System of the City of Detroit, Police and Fire Retirement System of the City of Detroit.<br>(Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C - Part 1 # 4 Exhibit C part 2 # 5 Exhibit D) |
| 32 | 12/04/2013 | 1933 | Motion <i>of the Detroit Retirement Systems to Certify This Court's Eligibility Ruling for Direct Appeal to the Sixth Circuit Court of Appeals (RE: Notice of Appeal</i> [Dkt. No. 1930]) Filed by Creditors General Retirement System of the City of Detroit, Police and Fire Retirement System of the City of Detroit   |

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| 33 | 12/05/2013 | 1936 | Motion <i>Request for Certification Filed by Creditor Michigan Council 25 Of The American Federation of State, County &amp; Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees</i>   |
| 34 | 12/11/2013 | 1945 | Opinion Regarding Eligibility (RE: related document(s), 821 First Amended Order Regarding Eligibility Objections).  |
| 35 | 12/12/2013 | 2113 | Motion <i>of The Official Committee of Retirees Request For Certification of The Eligibility Determination For Direct Appeal To The United States Court of Appeals For The Sixth Circuit Pursuant To 28 U.S.C. § 158(D)(2) and Federal Rule of Bankruptcy Procedure Rule 8001(F) Filed by Retiree Committee Official Committee of Retirees</i>  |
| 36 | 12/15/2013 | 2160 | Motion <i>of the Retiree Association Parties to Certify "Opinion Regarding Eligibility" and "Order for Relief Under Chapter 9 of the Bankruptcy Code" for Direct Appeal to the Court of Appeals Filed by Interested Parties Detroit Retired City Employees Association, Shirley V Lightsey, Retired Detroit Police and Fire Fighters Association, Donald Taylor, Creditors Shirley V Lightsey, Donald Taylor (Attachments: # 1 Index List of Attachments # 2 Exhibit 1 # 3 Exhibit 2 # 4 Exhibit 3 # 5 Exhibit 4 # 6 Exhibit 5 # 7 Exhibit 4)</i> |
| 37 |            |      | Motion <i>of the Retired Detroit Police Members Association to Certify this</i>   |

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|    |            |      | <i>Court's Eligibility Ruling for Direct Appeal to the Sixth Circuit Court of Appeals Filed by Creditor Retired Detroit Police Members Association</i>  |
| 38 | 12/16/2013 | 2135 | <i>Memorandum Notice and Supplement to Detroit Retirement Systems' Motion to Certify Appeal Re: Certification of Appeal in San Bernardino Case Filed by Creditors General Retirement System of the City of Detroit, Police and Fire Retirement System of the City of Detroit (RE: related document(s)1933 Motion of the Detroit Retirement Systems to Certify This Court's Eligibility Ruling for Direct Appeal to the Sixth Circuit Court of Appeals (RE: Notice of Appeal [Dkt. No. <u>1930</u>]), <u>2118</u> Reply - motions)</i> |
| 39 | 12/19/2013 | 2192 | <i>Motion ~ Request of International Union, UAW and Flowers Plaintiffs for Certification Permitting Immediate and Direct Appeal to the Sixth Circuit from the Court's Eligibility Determinations Filed by Creditor International Union, United Automobile, Aerospace and Agricultural Implement Workers of America</i>  |
| 40 | 12/20/2013 | 2254 | <i>Amended Motion for Direct Certification of Appeal to Sixth Circuit and Certificate of Service Filed by Creditors Detroit Fire Fighters Association, I.A.F.F. Local 344, Detroit Police Command Officers Association, Detroit Police Officers Association (Attachments: # 1 Exhibit 1 - Part 1 of 6 # 2 Exhibit 1 - Part 2 of 6 # 3 Exhibit 1 - Part 3 of 6 # 4 Exhibit 1 - Part 4 of 6 # 5</i>   |

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|    |             |      | Exhibit 1 - Part 5 of 6 # 6 Exhibit 1 - Part 6 of 6)   |
| 41 | 02/21/2014  | 2269 | Memorandum Regarding: I. Certification Under 28 U.S.C. Section 158(d) (2) (A) (i) II. Recommendation on Whether Direct Appeals Should Be Authorized and III. Parties' Request to Recommend Expedited Consideration of Appeals (RE: related document(s) <u>2268</u> Order on Certification Regarding Direct Appeal to the Court of Appeals)   |
| 42 | 02/21/2014  | 2708 | Plan for the Adjustment of Debts of the City of Detroit  |
| 43 | 02/21//2014 | 2709 | Disclosure Statement with Respect to Plan for the Adjustment of the Debts of the City of Detroit   |
| 44 | 03/16/2014  | 2802 | Motion to Approve Compromise under Rule 9019 / <i>Motion of Debtor for Entry of an Order, Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019, Approving a Settlement and Plan Support Agreement and Granting Related Relief</i> Filed by Debtor In Possession City of Detroit, Michigan (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4 # 5 Exhibit 5 # 6 Exhibit 6) |
| 45 | 03/31/2013  | 2839 | Order Granting Motion for Direct Appeal (RE: related document(s) <u>1909</u> Motion for Leave to Appeal filed by Creditor Michigan Council 25 Of The American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City  |

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|    |            |      | of Detroit Retirees, 1933 Generic Motion filed by Creditor General Retirement System of the City of Detroit, Creditor Police and Fire Retirement System of the City of Detroit, 2060 Generic Motion filed by Retiree Committee Official Committee of Retirees, 2068 Generic Motion filed by Creditor Donald Taylor, Interested Party Retired Detroit Police and Fire Fighters Association, Interested Party Donald Taylor, Interested Party Detroit Retired City Employees Association, Interested Party Shirley V Lightsey, Creditor Shirley V Lightsey, 2113 Generic Motion filed by Creditor Retired Detroit Police Members Association, 2254 Generic Motion filed by Creditor Detroit Fire Fighters Association, I.A.F.F. Local 344, Creditor Detroit Police Officers Association, Creditor Detroit Police Command Officers Association, 2376 Declaration filed by Creditor Michigan Council 25 Of The American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees |
| 46 | 03/31/2014 | 3380 | Amended Plan for the Adjustment of Debts of the City of Detroit   |
| 47 | 03/31/2014 | 3382 | Amended Disclosure with Respect to Amended Plan for the Adjustment of Debts of the City of Detroit  |

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| 48 | 03/31/2014 | 3390 | John P. Quinn's Objections to Disclosure Statement  |
| 49 | 03/31/2014 | 3392 | Appearance of John P. Quinn on his Own Behalf and Consent to Electronic Service   |
| 50 | 04/02/2014 | 3485 | Objection of Jamie S. Fields to City of Detroit's Motion for an Order Approving Amended Disclosure Statement With Respect to the Plan of Adjustment Dated March 31, 2014  |
| 51 | 04/16/2013 | 4103 | Statement of Unresolved Objections to the Disclosure Statement Filed by Debtor In Possession City of Detroit, Michigan (RE: related document(s) <u>2709</u> Disclosure Statement, <u>3382</u> Amended Disclosure Statement)   |
| 52 | 04/15/2014 | 4140 | Second Amended Plan for the Adjustment of Debts of the City of Detroit  |
| 53 | 04/16/2014 | 4141 | Second Amended Disclosure Statement with Respect to Second Amended Plan for the Adjustment of Debts of the City of Detroit  |
| 54 | 05/05/2014 | 4272 | Third Amended Disclosure Statement <i>with Respect to Third Amended Plan for the Adjustment of Debts of the City of Detroit</i> Filed by Debtor In Possession City of Detroit, Michigan (RE: related document(s) <u>2709</u> Disclosure Statement). (Attachments: # 1 Exhibit A # 2 Exhibits B through M) Prior Disclosure Statements (Doc. <u>4141</u> , <u>3382</u> , <u>2709</u> ) |

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| 55 | 04/25/2014 | 4271 | Third Amended Plan for the Adjustment of Debts of the City of Detroit  |
| 56 | 05/05/2014 | 4391 | Fourth Amended Disclosure Statement with Respect to Fourth Amended Plan for the Adjustment of the Debts of the City of Detroit   |
| 57 | 05/05/2014 | 4392 | City of Detroit's Fourth Amended Plan of Adjustment Dated May 5, 2014  |
| 58 | 05/05/2014 | 4402 | Objection of Jamie S. Fields to the City of Detroit's Fourth Amended Plan of Adjustment Dated May 5, 2014 Related Objections (Doc. 6996, 6671, 6642)                                 |
| 59 | 05/27/2014 | 5032 | Creditor's Jamie S. Fields Memorandum Identifying Issues of Law Relating to the Confirmation of the Fourth Amended Plan for the Adjustment of Debts of City of Detroit, Michigan     |
| 60 | 05/26/2014 | 5034 | Consolidated Reply to Certain Objections to Confirmation of Fourth Amended Plan for the Adjustment of Debts of the City of Detroit   |
| 61 | 06/17/2014 | 5049 | John P. Quinn's Attempted Compliance with Order Regarding Identifying Legal Issues Relating to Confirmation  |
| 62 | 06/20/2014 | 5338 | Attorney General's Approval of DIA Settlement  |
| 63 | 06/20/2014 |      | <i>Motion of the General Retirement System of the City of Detroit to Designate and Determine Additional Legal Issue Regarding Methodology for ASF Recoupment From Retirees Filed</i> |

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|    |            |      | by Creditor General Retirement System of the City of Detroit  |
| 64 | 07/01/2014 | 5668 | Order Modifying The Order Identifying Legal Issues, Establishing Supplemental Briefing Schedule And Setting Hearing Dates And Procedures [Docket No. <u>5235</u> ], (RE: related document(s), <u>5634</u> Stipulation filed by Debtor In Possession City of Detroit, Michigan). |
| 65 | 07/02/2014 | 5723 | John P. Quinn's Objections to Fourth Amended Plan of Adjustment   |
| 66 | 07/02/2014 | 5746 | Order Denying Motion of Creditors to View Or, In the Alternative, Unseal Supplemental Order Regarding Mediation Confidentiality (# <u>5358</u> ) (Related Doc # <u>5358</u> ).  |
| 67 | 07/22/2014 | 5964 | Objection (Ochadleus Objectors) and Brief in Support Fourth Amended Plan for the Adjustment of Debts of the City of Detroit (May 5, 2014) Related (Doc. 4932, 5816)   |
| 68 | 07/22/2014 | 6197 | Joint Motion of Objecting Creditors Michael J. Karwoski and John P. Quinn for Briefing Schedule and Hearing on Certain of Movants= Objections to Fourth Amended Plan of Adjustment  |
| 69 | 07/25/2014 | 6210 | Corrected Joint Motion of Objecting Creditors Michael J. Karwoski and John P. Quinn for Briefing Schedule and Hearing on Certain of Movants' Objections to Fourth Amended Plan of Adjustment  |

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| 70 | 07/25/2014 | 6257 | Fifth Amended Plan for the Adjustment if the Debts of the City of Detroit   |
| 71 | 07/25/2014 | 6379 | Fifth Amended Chapter 9 Plan<br><i>Corrected Fifth Amended Plan for the Adjustment of Debts of the City of Detroit</i> Filed by Debtor In Possession City of Detroit, Michigan (RE: related document(s)2708 Chapter 9 Plan). (Attachments: # 1 Exhibit I.A.6 through I.A.207 # 2 Exhibit I.A.209 through I.A.244 # 3 Exhibit I.A.245 through I.A.310 # 4 Exhibit I.A.317 # 5 Exhibit II.B.3.q.ii.A through II.D.6)  |
| 72 | 08/14/2014 | 6508 | Official Committee of Retirees= Memorandum of Law in Support of Confirmation of Fifth Amended Plan for Adjustment of Debts Filed by the City of Detroit, Michigan   |
| 73 | 08/11/2014 | 6791 | Motion to Exclude the Testimony of Kenneth A. Buckfire Regarding Creditor Recoveries Upon Dismissal of the Bankruptcy Case Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc. (Attachments: # 1 Exhibit 1 - Proposed Order # 2 Exhibit 2 - Notice of Motion and Opportunity to Object # 3 Exhibit 3 - None [Brief Not Required] # 4 Exhibit 4 - None [Separate Certificate of Service to be Filed] # 5 Exhibit 5 - Affidavits [Not Applicable] # 6 Exhibit 6-A - Expert Report of Kenneth Buckfire In Support of City of Detroit's Plan of Adjustment |

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|    |            |      | # 7 Exhibit 6-B - July 16, 2014 K. Buckfire Deposition Transcript # 8 Exhibit 6-C - July 14, 2014 R. Cline Deposition Transcript # 9 Exhibit 6-D - July 22, 2014 K. Orr Deposition Transcript # 10 Exhibit 6-E - July 23, 2014 C. Moore Deposition Transcript)  |
| 74 | 08/20/2014 | 6802 | Order Requiring City to Respond to Certain Pro Se Objections to Confirmation  |
| 75 | 08/20/2014 | 6908 | Sixth Amended Plan for the Adjustment of Debts of the City of Detroit   |
| 76 | 08/22/2014 | 6975 | <i>Motion in Limine Barring the City from Introducing Evidence Regarding the Combined Recoveries of Pension and OPEB Claims Filed by Interested Parties</i> Syncora Capital Assurance Inc., Syncora Guarantee Inc. (Attachments: # 1 Index Summary of Exhibits # 2 Exhibit 1 - Proposed Order # 3 Exhibit 2 - Notice of Motion and Opportunity to Object # 4 Exhibit 3 - None [Brief Not Required] # 5 Exhibit 4 - None [Separate Certificate of Service to be Filed] # 6 Exhibit 5 - Affidavits [Not Applicable] # 7 Exhibit 6 A - Nov. 8, 2013 Eligibility Hearing Transcript # 8 Exhibit 6 B - July 16, 2014 K. Buckfire Deposition Transcript # 9 Exhibit 6 C - July 22, 2014 K. Orr Deposition Transcript # 10 Exhibit 6 D - July 30, 2014 email from G. Shumaker to S. Hackney # 11 Exhibit 6 E - March 5, 2014 Hearing Transcript) |

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| 77 | 08/22/2014 | 6978 | <p><i>Motion in Limine to Preclude Debtor from Offering Evidence Relating to (A) the Recoveries of Classes 10 and 11 Independent of the Funds from the DIA Funding Parties and the State and (B) the Topics Identified in Syncora's Subpoenas to the Foundations Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc. (Attachments: # 1 Index Summary of Exhibits # 2 Exhibit 1 - Proposed Order # 3 Exhibit 2 - Notice of Motion and Opportunity to Object # 4 Exhibit 3 - None [Brief Not Required] # 5 Exhibit 4 - None [Separate Certificate of Service to be Filed] # 6 Exhibit 5 - Affidavits [Not Applicable] # 7 Exhibit 6 A - June 26, 2014 Hearing Transcript # 8 Exhibit 6 B - John S. and James L. Knight Foundation Subpoena)</i></p> |
| 78 | 08/22/2014 | 6979 | <p><i>Motion in Limine Barring the City from Introducing Communications Protected by the Court's Mediation Order Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc. (Attachments: # 1 Index Summary of Exhibits # 2 Exhibit 1 - Proposed Order # 3 Exhibit 2 - Notice of Motion and Opportunity to Object # 4 Exhibit 3 - None [Brief Not Required] # 5 Exhibit 4 - None [Separate Certificate of Service to be Filed] # 6 Exhibit 5 - Affidavits [Not Applicable] # 7 Exhibit 6 A - June 30, 2014 G. Bowen Deposition</i></p>   |

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|    |            |      | Transcript # 8 Exhibit 6 B - July 2, 2014 M. Hall Deposition Transcript # 9 Exhibit 6 C - July 14, 2014 G. Malhotra Deposition Transcript # 10 Exhibit 6 D - July 16, 2014 K. Buckfire Deposition Transcript # 11 Exhibit 6 E - July 22, 2014 K. Orr Deposition Transcript # 12 Exhibit 6 F - Plan Confirmation Factual Propositions # 13 Exhibit 6 G - August 13, 2014 S. Taranto Deposition Transcript # 14 Exhibit 6 H - May 28, 2014 Hearing Transcript)   |
| 79 | 08/22/2014 | 6990 | Motion / Financial Guaranty Insurance Company's Motion in Limine to Preclude the Introduction of Evidence or Testimony Regarding Certain Matters Previously Deemed Irrelevant by the Court or the City of Detroit Filed by Creditor Financial Guaranty Insurance Company (Attachments: # 1 Exhibit Proposed Form of Order # 2 Exhibit Notice # 3 Exhibit None [Brief Not Required] # 4 Exhibit Certificate of Service # 5 Exhibit None [No Affidavit] # 6 Exhibit July 21-22, 2014, Deposition Transcript of Kevyn Orr (excerpted) # 7 Exhibit July 22, 2014 Expert Witness Report of Stuart Ira Wohl (excerpted) # 8 Exhibit August 13, 2014 Deposition Transcript of Stuart Ira Wohl (excerpted) # 9 Exhibit July 31, 2014 Deposition Transcript of Rip Rapson |

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|    |            |      | (excerpted) # 10 Exhibit Emails (K001265-1266; 1272-1273) # 11 Exhibit August 4, 2014 Deposition Transcripts of D. Muchmore (excerpted))  |
| 80 | 08/22/2014 | 6997 | Motion Syncora Guarantee Inc. and Syncora Capital Assurance Inc.'s Motion to Exclude the Testimony of John W. Hill Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc. (Attachments: # 1 Index Summary of Exhibits # 2 Exhibit 1 - Proposed Order # 3 Exhibit 2 - Notice of Motion and Opportunity to Object # 4 Exhibit 3 - None [Brief Not Required] # 5 Exhibit 4 - None [Separate Certificate of Service to be Filed] # 6 Exhibit 5 - Affidavits [Not Applicable] # 7 Exhibit 6 A - Expert Report of John Hill # 8 Exhibit 6 B - Excerpts of July 18, 2014 J. Hill Deposition Transcript # 9 Exhibit 6 C - Excerpts of Expert Report of Martha Kopacz # 10 Exhibit 6 D - Revenue Consensus Conference Report 18/14) # 11 Exhibit 6 E |
| 81 | 08/22/2014 | 6999 | Motion to Exclude Certain of the Expert Opinions of Martha Kopacz Under Federal Rule of Evidence 702 Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc. (Attachments: # 1 Index Summary of Exhibits # 2 Exhibit 1 - Proposed Order # 3 Exhibit 2 - Notice of Motion and Opportunity to Object # 4 Exhibit 3 - None [Brief Not   |

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|    |            |      | <p>Required] # 5 Exhibit 4 - None [Separate Certificate of Service to be Filed] # 6 Exhibit 5 - Affidavits [Not Applicable] # 7 Exhibit 6 A - Expert Report of Martha Kopacz # 8 Exhibit 6 B - Excerpts of July 31, 2014 M. Kopacz Deposition Transcript # 9 Exhibit 6 C - Order Appointing Expert Witness [Docket No. 4215] # 10 Exhibit 6 D - Excerpts of July 14, 2014 R. Cline Deposition Transcript # 11 Exhibit 6 E - Excerpts of July 15, 2014 G. Malhotra Deposition Transcript # 12 Exhibit 6 F - Excerpts of July 24, 2014 C. Sallee Deposition Transcript)</p>  |
| 82 | 08/25/2014 | 7004 | <p>Motion to Exclude the Testimony of the City's Forecasting Experts Under Federal Rule of Evidence 702 Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc. (Attachments: # 1 Index Summary of Exhibits # 2 Exhibit 1 - Proposed Order # 3 Exhibit 2 - Notice of Motion and Opportunity to Object # 4 Exhibit 3 - None [Brief Not Required] # 5 Exhibit 4 - None [Separate Certificate of Service to be Filed] # 6 Exhibit 5 - Affidavits [Not Applicable] # 7 Exhibit 6 A - Expert Report of Robert Cline # 8 Exhibit 6 B - Expert Report of Gaurav Malhotra # 9 Exhibit 6 C - Expert Report of Caroline Sallee # 10 Exhibit 6 D - Excerpts of July 14, 2014 R. Cline Deposition</p> |

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|  |  | <p>Transcript # 11 Exhibit 6 E - Excerpts of July 15, 2014 G.</p> <p>Malhotra Deposition Transcript # 12 Exhibit 6 F - Excerpts of July 24, 2014 C. Sallee Deposition</p> <p>Transcript # 13 Exhibit 6 G - Excerpts of July 31, 2014 M. Kopacz Deposition Transcript # 14 Exhibit 6 H - Excerpts of June 24, 2014 G.</p> <p>Evanko Deposition Transcript # 15 Exhibit 6 I - City of Detroit Ten-Year Financial Projections (July 2, 2014) (POA00706519) # 16 Exhibit 6 J - Excerpts of Expert Report of Martha Kopacz # 17 Exhibit 6 K - Excerpts of July 18, 2014 J. Hill Deposition Transcript # 18 Exhibit 6 L - Excerpts of Financial Stability Agreement (City Ex. 032) # 19 Exhibit 6 M - Michigan Municipal League, The Great Revenue Sharing Heist (Feb. 2014) (Syncora Ex. 4462) # 20 Exhibit 6 N - R. Cline Demonstratives (City Ex. 546 and 547) # 21 Exhibit 6 O - Excerpts of KPMG, Independent Auditors' Report (2012) # 22 Exhibit 6 P - Excerpts of Houlihan Lokey Expert Report (July 2014) # 23 Exhibit 6 Q - Excerpts of 6/14/13 City Proposal for Creditors (City Ex. 033) # 24 Exhibit 6 R - Excerpts of Citizens Research Council of Michigan "Detroit City Government Revenues," Report 382, April 2013 (Syncora Ex. 4466) # 25 Exhibit 6 S - Excerpts of the Expert Report of Charles Moore (City Ex. 464))</p> |
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| 83 | 08/27/2014 | 7028 | Order Pursuant To (I) 11 U.S.C. Sec. 105, 364(c), 364(d)(1), 364(e), 902, 904, 921, 922 And 928 (A) Approving Post-petition Financing And (B) Granting Liens And (II) Bankruptcy Rule 9019 Approving Settlement Of Confirmation Objections (Related Doc # <u>6644</u> ). |
| 84 | 08/27/2014 | 7061 | Motion <i>The Detroit Retirement Systems' Motion to Exclude Portions of Martha Kopacz's Testimony</i> Filed by Creditors General Retirement System of the City of Detroit, Police and Fire Retirement System of the City of Detroit                                      |
| 85 | 08/27/2014 | 7102 | Financial Guaranty Insurance Company's Pretrial Brief in Support of Objection to Plan for the Adjustment of Debts of the City of Detroit   |
| 86 | 08/27/2014 | 7131 | Objection of the Detroit Retirement Systems to Syncora's Motion in Limine Barring the City from Introducing Evidence Regarding the Combined Recoveries of Pension and OPEB Claims  |
| 87 | 08/27/2014 | 7135 | Opposition of the Official Committee of Retirees to Syncora's Motion in Limine to Bar the City from Introducing Evidence Regarding the Combined Recoveries of Pension and OPEB Claims [Dkt. <u>6975</u> ]  |
| 88 | 08/27/2014 | 7143 | Consolidated (A) Pretrial Brief in Support of Confirmation of Sixth Amended Plan for the Adjustment of Debts of the City and (B)   |

|    |            |      |   |
|----|------------|------|---|
|    |            |      | Response to (I) Certain Objections Filed by Individual Bondholders and Individual Retirees and (II) Supplemental Objections Related (Doc. <u>7208</u> )                                       |
| 89 | 08/28/2014 | 7150 | Pre-Trial Brief of Syncora Guarantee, Inc. and Syncora Capital Assurance, Inc. Regarding Proposed Confirmation of the Debtor's Plan of Adjustment   |
| 90 | 09/02/2014 | 7232 | Order Admitting Exhibits (RE: related document(s)7211<br>Stipulation filed by Debtor In Possession City of Detroit  |
| 91 | 09/05/2014 | 7303 | Objections to Confirmation of the Sixth Amended Plan for the Adjustment of Debts of the City of Detroit Related (Doc. <u>7351</u> , <u>7342</u> , <u>6640</u> )                               |
| 92 | 09/16/2014 | 7502 | Seventh Amended Chapter 9 Plan for the Adjustment of Debts of the City of Detroit   |
| 93 | 10/02/2014 | 7781 | Second Order Admitting Exhibits   |
| 94 | 10/17/2014 | 7995 | Third Order Admitting Exhibits  |
| 95 | 10/17/2014 |      | Exhibit PS1 4040: PowerPoint Presentation at GRS Informational Meeting (June, 2014) by Michael VanOverbeke, General Counsel, GRS, admitted 10/17/14 per Doc. No. <u>7995</u> , <u>supra</u> . |
| 96 | 10/21/2014 | 8029 | Notice of Filing of Draft Eight Amended Plan for the Adjustment of the Debts of the City of Detroit,  |
| 97 | 10/22/2014 | 8045 | Eighth Amended Chapter 9 Plan for the Adjustment of Debts of the City of Detroit Filed by Debtor In   |

|     |            |      |  |
|-----|------------|------|--|
|     |            |      | Possession City of Detroit, Michigan (RE: related document(s)2708 Chapter 9 Plan). (Attachments: # 1 Exhibit I.A.9 through I.A.354 # 2 Exhibit I.A.360-Part 1 # 3 Exhibit I.A.360-Part 2 # 4 Exhibit I.A.360-Part 3 # 5 Exhibit I.A.360-Part 4 # 6 Exhibit I.A.360-Part 5 # 7 Exhibit I.A.360-Part 6 # 8 Exhibit I.A.360-Part 7 # 9 Exhibit I.A.360-Part 8 # 10 Exhibit II.B.3.q.ii.A through III.D.2) Prior Plans (Doc. No. <u>7502, 6379, 6098, 4391, 4271, 4140, 3380, 2708</u> ) |
| 98  | 10/31/2014 | 8154 | Notice of Filing Proposed Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit, including attached proposed order   |
| 99  | 11/11/2014 | 8249 | Notice of Filing Revised Proposed Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit, including attached proposed order   |
| 100 | 11/12/2014 | 8272 | Order Confirming Eighth Amended Plan For The Adjustment Of Debts Of The City Of Detroit  |
| 101 | 11/19/2014 | 8320 | Notice of Appeal of the Order Confirming Eighth Plan of Adjustment of Debts of the City of Detroit, Motion for Limited Stay Pending Appeal and Proposed Order Granting Stay Pending Appeal (Jamie S. Fields)   |
| 102 | 11/19/2014 | 8333 | Motion for Limited Stay Pending Appeal   |

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|-----|--|--|---|
| 103 |  |  | Order Ruling on Jamie Fields Motion for Limited Stay Pending Appeal                               |
| 104 |  |  | Opinion on Confirmation of Eighth Amended Plan for the Adjustment of Debts of the City of Detroit |

## **II. Statement of issues on appeal.**

1. Did the Bankruptcy Court err by deciding the constitutional question of whether pensions could be impaired when consistent with the Tenth Amendment that question should have been avoided?
2. Did the Bankruptcy Court err as a matter of law by confirming the Plan when the Court's consent analysis conflicted with Section 903 of the Code and the Supreme Court's decision in *Bond v United States*?
3. Did the Bankruptcy Court err in confirming the Plan when dismissal of the case would have resulted in a greater recovery for retirees under state law remedies?
4. Did the Bankruptcy Court err as a matter of law by confirming the Plan even though, by attempting to impose the ASF recoupment on claims whose retiree holders have not individually agreed to its application to their claims, the Plan imposes non-consensual less favorable treatment on those claims than on other claims in class 11, in violation of 11 U.S.C. § 1123(a) (4)?
5. Did the Bankruptcy Court err as a matter of law by confirming the Plan even though it purports to adjust not only the City's liability, if any, on the claims included in Class 11, but also GRS's liability on those claims, in violation of 11 U.S.C. § 941?

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Respectfully Submitted: November 28, 2014

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re ) Chapter 9  
City of Detroit, ) Case No. 13-53846  
Debtor - Appellee ) Hon. Steven W. Rhodes  
 )  
William Ochadleus, *et. al.* )  
Creditors - Appellants )

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**DESIGNATION OF TRANSCRIPTS TO BE USED  
IN RECORD ON APPEAL**

Pursuant to the Bankruptcy Court's Notice of 11/19/2014, regarding changes to  
Bankruptcy Rules, Official Forms, Fees, and ECF Events Effective December 1,  
2014 appellants state: **Transcripts are NOT required for this appeal.**

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